

with this subchapter may not be accepted for transportation or transported aboard an aircraft.

[Amdt. 175-25, 47 FR 54822, Dec. 6, 1982]

#### § 175.5 Applicability.

(a) This part applies to the acceptance for transportation, loading and transportation of hazardous materials in any aircraft in the United States and in aircraft of United States registry anywhere in air commerce. This part does not apply to:

(1) Aircraft owned and operated by a government when not engaged in carrying persons or property for commercial purposes;

(2) Aircraft which are not owned by a government nor engaged in carrying persons or property for commercial purposes but which are under the exclusive direction and control of a government for a period of not less than 90 days as specified in a written contract or lease. An aircraft is under the exclusive direction and control of a government when the government exercises responsibility for:

(i) Approving crew members and determining that they are qualified to operate the aircraft;

(ii) Determining the airworthiness and directing maintenance of the aircraft; and

(iii) Dispatching the aircraft, including the times of departure, airports to be used, and type and amount of cargo to be carried;

(3) Aircraft of United States registry under lease to and operated by foreign nationals outside the United States if:

(i) Hazardous materials forbidden aboard aircraft by §172.101 of this subchapter are not carried on the aircraft; and

(ii) Other hazardous materials are carried in accordance with the regulations of the State (nation) of the aircraft operator.

[Amdt. 175-15, 45 FR 35332, May 27, 1980]

#### § 175.10 Exceptions.

(a) This subchapter does not apply to:

(1) Aviation fuel and oil in tanks that are in compliance with the installation provisions of 14 CFR, chapter 1.

(2) Hazardous materials required aboard an aircraft in accordance with

the applicable airworthiness requirements and operating regulations. Unless otherwise approved by the Associate Administrator, items of replacement for such hazardous materials must be transported in accordance with this subchapter except that—

(i) In place of the required packagings, packagings specially designed for the transport of aircraft spares and supplies may be used, provided such packagings provide at least an equivalent level of protection to those that would be required by this subchapter;

(ii) Aircraft batteries are not subject to quantity limitations such as those provided in §172.101 or §175.75(a) of this subchapter; and,

(iii) A tire assembly with a serviceable tire is not subject to the provisions of this subchapter provided the tire is not inflated to a gauge pressure exceeding the maximum rated pressure for that tire.

(3) Hazardous materials loaded and carried in hoppers or tanks of aircraft certificated for use in aerial seeding, dusting, spraying, fertilizing, crop improvement, or pest control, to be dispensed during such an operation.

(4) The following hazardous materials when carried by a passenger or crew member for personal use in conformance with the following conditions:

(i) Non-radioactive medicinal and toilet articles (including aerosols) may be carried in checked or carry-on baggage;

(ii) One self-defense spray (see §171.8 of this subchapter), not exceeding 118 mL (4 fluid ounces) by volume, that incorporates a positive means to prevent accidental discharge may be carried in checked baggage only;

(iii) Other aerosols in Division 2.2 with no subsidiary risk may be carried in checked baggage only; and

(iv) The aggregate quantity of hazardous materials carried by the person may not exceed 2 kg (70 ounces) by mass or 2 L (68 fluid ounces) by volume and the capacity of each container may not exceed 0.5 kg (18 ounces) by mass or 470 mL (16 fluid ounces) by volume.

(5) Small-arms ammunition for personal use carried by a crewmember or passenger in his baggage (excluding carry-on baggage) if securely packed in fiber, wood or metal boxes, or other

packagings specifically designed to carry small amounts of ammunition. This paragraph does not apply to persons traveling under the provisions of 49 CFR 1544.219.

(6) [Reserved]

(7) Oxygen, or any hazardous material used for the generation of oxygen, for medical use by a passenger, which is furnished by the aircraft operator in accordance with 14 CFR 121.574 or 135.91. For purposes of this paragraph, an aircraft operator that is not a certificate holder under 14 CFR part 121 or part 135, may apply this exception in conformance with 14 CFR 121.574 or 135.91 in the same manner as required for a certificate holder.

(8) Human beings and animals with an implanted medical device, such as a heart pacemaker, that contains Class 7 (radioactive) materials or with radiopharmaceuticals that have been injected or ingested.

(9) Smoke grenades, flares, or similar devices carried only for use during a sport parachute jumping activity.

(10) Safety matches or a lighter intended for use by an individual when carried on one's person. However, lighters containing unabsorbed liquid fuel (other than liquefied gas), lighter fuel, and lighter refills are not permitted on one's person or in checked or carry-on baggage.

(11) Smoke grenades, flares, and pyrotechnic devices affixed to aircraft carrying no person other than a required flight crewmember during any flight conducted at and as a part of a scheduled air show or exhibition of aeronautical skill. The affixed installation accommodating the smoke grenades, flares, or pyrotechnic devices on the aircraft must be approved by the FAA for its intended use.

(12) Hazardous materials which are loaded and carried on or in cargo aircraft only, and which are to be dispensed or expended during flight for weather control, environmental restoration or protection, forest preservation and protection, flood control, avalanche control purposes, or routine quality control testing of special fireworks manufactured for the Department of Defense, when the following requirements are met:

(i) Operations may not be conducted over densely populated areas, in a congested airway, or near any airport where air carrier passenger operations are conducted.

(ii) Each operator shall prepare and keep current a manual containing operational guidelines and handling procedures, for the use and guidance of flight, maintenance, and ground personnel concerned in the dispensing or expending of hazardous materials. The manual must be approved by the FAA Civil Aviation Security Office responsible for the operator's overall aviation security program or the FAA Civil Aviation Security Office in the region where the operator is located. The manual must be approved by the FAA Civil Aviation Security Field Office responsible for reviewing the operator's hazardous materials program or the FAA Civil Aviation Security Field Office in the region where the operator is located. Each operation must be conducted in accordance with the manual.

(iii) No person other than a required flight crewmember, FAA inspector, or person necessary for handling or dispensing the hazardous material may be carried on the aircraft.

(iv) The operator of the aircraft must have advance permission from the owner of any airport to be used for the dispensing or expending operation.

(v) When dynamite and blasting caps are carried for avalanche control flights, the explosives must be handled by, and at all times be under the control of, a qualified blaster. When required by State or local authority, the blaster must be licensed and the State or local authority must be identified in writing to the FAA Civil Aviation Security Field Office responsible for reviewing the operator's hazardous materials program or the FAA Civil Aviation Security Field Office in the region where the operator is located.

(vi) When special fireworks aerial illuminating flares, manufactured specifically for the DOD, are carried for in-flight routine quality control testing, the fireworks must be handled by, and at all times be under the control of, a qualified person who has been trained in accordance with a program approved by the local FAA Civil Aviation Security Field Office. The aircraft

must be specially modified to conduct the testing operation and must be specifically approved for such operations by the local FAA Civil Aviation Security Field Office before the flight.

(13) Carbon dioxide, solid (dry ice) when:

(i) In quantities not exceeding 2.3 kg (5.07 pounds) per package packed as prescribed by §173.217 of this subchapter and used as a refrigerant for the contents of the package. The package must be marked with the name of the contents being cooled, the net weight of the dry ice or an indication that the net weight is 2.3 kg (5.07 pounds) or less, and also marked "Carbon Dioxide, Solid" or "Dry Ice";

(ii) Intended for use in food and beverage service aboard aircraft; or

(iii) In quantities not exceeding 2 kg (4.4 pounds) per passenger when used to pack perishables in carry-on baggage provided the package permits the release of carbon dioxide gas.

(14) A transport incubator unit necessary to protect life or an organ preservation unit necessary to protect human organs provided:

(i) The compressed gas used to operate the unit is in an authorized DOT specification cylinder and is marked, labeled, filled and maintained as prescribed by this subchapter;

(ii) Each battery used in the operation of the unit is of the nonspillable type;

(iii) The unit is constructed so that valves, fittings, and gauges are protected from damage;

(iv) The pilot in command is advised when the unit is on board, and when it is intended for use;

(v) The unit is accompanied by a person qualified to operate it;

(vi) The unit is secured in the aircraft in a manner so as not to restrict access to or use of any required emergency or regular exit or of the aisle in the passenger compartment; and,

(vii) Smoking within 3 m (10 feet) of the unit is prohibited.

(15) Alcoholic beverages, perfumes, colognes, and liquefied gas lighters that have been examined by the Bureau of Explosives (B of E) and approved by the Associate Administrator, carried aboard a passenger-carrying aircraft by

the operator for use or sale on the aircraft.

(16) Perfumes and colognes, purchased through duty-free sales, carried by passengers or crew in carry-on baggage.

(17) Alcoholic beverages containing:

(i) Not more than 24% alcohol by volume; or

(ii) More than 24% and not more than 70% alcohol by volume when in retail packagings not exceeding 5 liters (1.3 gallons) carried by a crew member or passenger in checked or carry-on baggage, with a total net quantity per person of 5 liters (1.3 gallons) for such beverages.

(18) Carbon dioxide gas cylinders worn by passengers for the operation of mechanical limbs and spare cylinders of a similar size for the same purpose in sufficient quantities to ensure an adequate supply for the duration of the journey.

(19) A wheelchair or other battery-powered mobility aid equipped with a nonspillable battery, when carried as checked baggage, provided that—

(i) The battery meets the provisions of §173.159(d) for nonspillable batteries;

(ii) Visual inspection including, where necessary, removal of the battery, reveals no obvious defects (however, removal of the battery from the housing should be performed by qualified airline personnel only);

(iii) The battery is disconnected and terminals are insulated to prevent short circuits; and

(iv) The battery is securely attached to the wheelchair or mobility aid, is removed and placed in a strong, rigid packaging that is marked "NON-SPILLABLE BATTERY" (unless fully enclosed in a rigid housing that is properly marked), or is handled in accordance with paragraph (a)(20)(iv) of this section.

(20) A wheelchair or other battery-powered mobility aid equipped with a spillable battery, when carried as checked baggage, provided that—

(i) Visual inspection including, where necessary, removal of the battery, reveals no obvious defects (however, removal of the battery from the housing should be performed by qualified airline personnel only);

(ii) The battery is disconnected and terminals are insulated to prevent short circuits;

(iii) The pilot-in-command is advised, either orally or in writing, prior to departure, as to the location of the battery aboard the aircraft; and

(iv) The wheelchair or mobility aid is loaded, stowed, secured and unloaded in an upright position or the battery is removed, the wheelchair or mobility aid is carried as checked baggage without further restriction, and the removed battery is carried in a strong, rigid packaging under the following conditions:

(A) The packaging must be leak-tight and impervious to battery fluid. An inner liner may be used to satisfy this requirement if there is absorbent material placed inside of the liner and the liner has a leakproof closure;

(B) The battery must be protected against short circuits, secured upright in the packaging, and be packaged with enough compatible absorbent material to completely absorb liquid contents in the event of rupture of the battery; and

(C) The packaging must be labeled with a CORROSIVE label, marked to indicate proper orientation, and marked with the words "Battery, wet, with wheelchair."

(21) Hair curlers containing hydrocarbon gas, no more than one per passenger or crew member, provided that the safety cover is securely fitted over the heating element. Gas refills for such curlers are not permitted in checked or carry-on baggage.

(22) A mercurial barometer or thermometer carried as carry-on-baggage only, by a representative of a government weather bureau or similar official agency, provided that individual advises the operator of the presence of the barometer or thermometer in his baggage. The barometer or thermometer must be packaged in a strong outer packaging having sealed inner liner or bag of strong, leak proof and puncture-resistant material impervious to mercury, which will prevent the escape of mercury from the package irrespective of its position. The pilot-in-command must be informed of the presence of any such barometer or thermometer by the operator of the aircraft.

(23) With the approval of the operator of the aircraft and as carry-on baggage, electrically powered heat-producing articles (e.g., battery-operated equipment, such as underwater torches and soldering equipment), which, if accidentally activated, will generate extreme heat and can cause fire. The heat-producing component, or the energy source, must be removed so as to prevent unintentional functioning during transport.

(24) [Reserved]

(25) With approval of the aircraft operator, one small carbon dioxide cylinder fitted into a self-inflating life-jacket, plus one spare cartridge, may be carried by a passenger or crew member in checked or carry-on baggage.

(26) A small medical or clinical mercury thermometer for personal use, when carried in protective cases by passengers or crew members.

(b) A cylinder containing medical-use compressed oxygen, owned or leased by an aircraft operator or offered for transportation by a passenger needing it for personal medical use at destination, may be carried in the cabin of a passenger-carrying aircraft in accordance with the following provisions:

(1) No more than six cylinders belonging to the aircraft operator and, in addition, no more than one cylinder per passenger needing the oxygen at destination, may be transported in the cabin of the aircraft under the provisions of this paragraph (b);

(2) The rated capacity of each cylinder may not exceed 850 L(30 cubic feet);

(3) Each cylinder and its overpack or outer packaging (see Special Provision A52 in §172.102 of this subchapter) must conform to the provisions of this subchapter;

(4) The aircraft operator shall securely stow the cylinder in its overpack or outer packaging in the cabin of the aircraft and shall notify the pilot-in-command as specified in §175.33 of this part; and

(5) Shipments under this paragraph (b) are not subject to—

(i) Subpart C and, for passengers only, subpart H of part 172 of this subchapter;

(ii) Section 173.25(a)(4) of this subchapter.

(iii) Section 175.85(i).

[Amdt. 175-1, 41 FR 16106, Apr. 15, 1976]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 175.10, see the List of CFR Sections Affected which appears in the Finding Aids section of the printed volume and on GPO Access.

#### § 175.20 Compliance and training.

(a) Unless this subchapter specifically provides that another person shall perform a particular duty, each operator shall comply with all applicable requirements in parts 106, 171, 172, and 175 of this chapter and shall ensure each of its hazmat employees receive training in relation thereto. (See also 14 CFR 121.135, 121.401, 121.433a, 135.323, 135.327 and 135.333.)

(b) A carrier may not transport a hazardous material by aircraft unless each of its hazmat employees involved in that transportation is trained as required by subpart H of part 172 of this subchapter.

[Amdt. 175-48, 57 FR 20953, May 15, 1992]

#### § 175.25 Notification at air passenger facilities of hazardous materials restrictions.

(a) Each aircraft operator who engages in for-hire transportation of passengers shall display notices of the requirements applicable to the carriage of hazardous materials aboard aircraft, and the penalties for failure to comply with those requirements. Each notice must be legible, and be prominently displayed so that it can be seen by passengers in locations where the aircraft operator issues tickets, checks baggage, and maintains aircraft boarding areas.

(1) At a minimum, each notice must communicate the following information:

Federal law forbids the carriage of hazardous materials aboard aircraft in your luggage or on your person.

A violation can result in five years' imprisonment and penalties of \$250,000 or more (49 U.S.C. 5124).

Hazardous materials include explosives, compressed gases, flammable liquids and solids, oxidizers, poisons, corrosives and radioactive materials.

Examples: Paints, lighter fluid, fireworks, tear gases, oxygen bottles, and radio-pharmaceuticals.

There are special exceptions for small quantities (up to 70 ounces total) of medicinal and toilet articles carried in your luggage and certain smoking materials carried on your person.

For further information contact your airline representative.

(2) The information contained in paragraph (a)(1) of this section must be printed:

(i) In legible English and may, in addition to English, be displayed in other languages; and

(ii) In lettering of at least 1 cm (0.4 inch) in height for the first paragraph and 4.0 mm (0.16 inch) in height for the other paragraphs; and

(iii) On a background of contrasting color.

(3) Size and color of the notice are optional. Additional information, examples, or illustrations, if not inconsistent with the required information, may be included.

(4) Notwithstanding the requirements of paragraph (a)(1) of this section, a notice with the wording "A violation can result in penalties of up to \$25,000 and five years' imprisonment. (49 U.S.C. 1809)" may be used through December 31, 2001.

(b) [Reserved]

[Amdt. 175-12, 45 FR 13091, Feb. 28, 1980, as amended by 175-23, 47 FR 43066, Sept. 30, 1982; Amdt. 175-47, 55 FR 52685, Dec. 21, 1990; Amdt. 175-50, 58 FR 50505, Sept. 27, 1993; 63 FR 37462, July 10, 1998; 65 FR 50462, Aug. 18, 2000]

#### § 175.26 Notification at cargo facilities of hazardous materials requirements.

(a) After September 30, 1994, each person who engages in the acceptance or transport of cargo for transportation by aircraft shall display notices, at each facility where cargo is accepted, to persons offering such cargo of the requirements applicable to the carriage of hazardous materials aboard aircraft, and the penalties for failure to comply with those requirements. Each notice must be legible, and be prominently displayed so that it can be seen. At a minimum, each notice must communicate the following information:

(1) Cargo containing hazardous materials (dangerous goods) for transportation by aircraft must be offered in accordance with the Federal Hazardous